

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 22-0837V

ANTOINETTE LISS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 22, 2024

Ronald Craig Homer, Conway, Homer, P.C., Boston, MA, for Petitioner.

Alexa Roggenkamp, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On August 1, 2022, Antoinette Liss filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq.² (the “Vaccine Act”). Petitioner alleges that she suffered a shoulder injury related to vaccine administration (“SIRVA”), a defined Table injury, resulting from the influenza (“flu”) vaccine she received on October 4, 2021. Petition at 1, ¶¶ 1-4. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 11, 2024, a ruling on entitlement was issued, finding Petitioner entitled to compensation for her SIRVA. On April 19, 2024, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$42,500.00, representing compensation for pain and suffering. Proffer at 1. In the Proffer, Respondent

¹ Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$42,500.00, representing compensation for pain and suffering, in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under Section 15(a).

The Clerk of Court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

ANTOINETTE LISS,

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SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 22-837V
Chief Special Master Corcoran
ECF

PROFFER ON AWARD OF COMPENSATION

On August 1, 2022, Antionette Liss (“petitioner”) filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (“Vaccine Act” or “Act”), alleging that she suffered a Table shoulder injury related to vaccine administration (“SIRVA”), as the result of an influenza (“flu”) vaccination received on October 4, 2021.

Petition at 1.¹ On April 10, 2024, the Secretary of Health and Human Services (“respondent”) filed a Rule 4(c) Report indicating that this case is appropriate for compensation under the terms of the Act, and on April 11, 2024, the Chief Special Master issued a Ruling on Entitlement finding petitioner entitled to compensation. ECF No. 37; ECF No. 38.

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$42,500.00, which represents all elements of compensation to which petitioner would be entitled

¹ Petitioner filed an Amended Petition on September 1, 2023, that included additional detail that was not found in the original Petition but continued to allege a SIRVA injury as a result of petitioner’s October 4, 2021 flu vaccine. ECF No. 28.

under 42 U.S.C. § 300aa-15(a).² Petitioner agrees.

II. Form of the Award

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment of \$42,500.00, in the form of a check payable to petitioner. Petitioner agrees.

Respectfully submitted,

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Dated: April 19, 2024

² Should petitioner die prior to the entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses, future lost earnings, and future pain and suffering.